




DEPARTMENT OF PERSONNEL
209 East Musser Street, Room 101
Carson City, Nevada 89701-4204
(775) 684-0150
<http://dop.nv.gov>

MEMO PERD #27-11
June 16, 2011

TO: Nevada County Libraries
State Library and Archives

FROM: Teresa J. Thienhaus, Director 
Department of Personnel

SUBJECT: NOTICE OF WORKSHOP – NAC 284 Regulation Changes

The regulation workshop for June 20, 2011 has been rescheduled to July 15, 2011. The regulation changes included with this memorandum are being proposed for permanent adoption. In order to review the proposed changes in this regulation and solicit comments from interested persons, the workshop will be held at 9:00 a.m. on July 15, 2011 at the Gaming Control Board Conference Room, 1919 College Parkway, Carson City, Nevada and by video conference at the Grant Sawyer Building, Gaming Control Board Room 2450, 555 East Washington Avenue, Las Vegas, Nevada. An informational note explaining the nature and purpose of the proposed changes precedes the regulations.

*Although the workshop regarding the proposed regulation is cancelled for June 20th, we would like to continue to use this date and meet at 1:30 p.m. at the Gaming Control Board Conference Room, 1919 College Parkway, Carson City, Nevada and by video conference at the Grant Sawyer Building, Gaming Control Board Room 2450, 555 East Washington Avenue, Las Vegas, Nevada to begin discussions about the Department of Personnel's regulation review of Chapter 284. We will open the floor for comments on how the chapter can be improved, so come prepared to offer your suggestions. If time permits, we would also like to ask for specific feedback on the following areas: Essential Functions, Use of Alcohol or Drugs, Separations from Service, and Disciplinary Procedures. Please email Mark Evans at mevans@dop.nv.gov if you plan to attend on June 20th. You may also email him your comments. An additional session to discuss other areas on July 11 at 1:30 p.m. will be at the same location, and additional dates will be scheduled if needed.

Please circulate or post the enclosed *Notice of Workshop to Solicit Comments on Proposed Regulations* along with the text of the proposed regulation. We are asking libraries to post this information to inform the public of the workshop.

TJT:vk
Enclosures

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

The Department of Personnel, 209 East Musser Street, Carson City, Nevada, telephone number (775) 684-0131, is proposing the permanent adoption, repeal, or amendment of regulations pertaining to Chapter 284 of Nevada Administrative Code. A workshop has been set for 9:00 a.m. on July 15, 2011 at the Gaming Control Board Conference Room, 1919 College Parkway, Carson City, Nevada and by video conference at the Grant Sawyer Building, Gaming Control Board Room 2450, 555 East Washington Avenue, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Regulation Leadline:

Unpaid furlough leave

NAC #

Uncodified

LCB File #R080-09

Affirmative action program and equal employment opportunity

NAC 284.114

Holidays: Compensation for working

NAC 284.256

A copy of all materials relating to the proposals may be obtained at the workshop or by contacting the Department of Personnel offices at 209 E. Musser Street, Room 300, Carson City, Nevada, telephone number (775) 684-0131, or 555 East Washington Avenue, Suite 1400, Las Vegas, Nevada, telephone number (702) 486-2900. A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations.

CARSON CITY

Blasdel Building, 209 E. Musser St.

NV State Library and Archives, 100 N. Stewart St.

Legislative Building, 401 S. Carson St.

Capitol Building, 101 N. Carson St.

Gaming Control Board, 1919 College Parkway

LAS VEGAS

Grant Sawyer State Office Building

555 E. Washington Ave.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to:

ALL STATE AGENCIES

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE:

We are pleased to make reasonable accommodations for individuals with disabilities who wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Department of Personnel, in writing, at 209 East Musser Street, Room 101, Carson City, Nevada 89701-4204 or call Valerie Kneefel at (775) 684-0131, no later than five working days before the meeting.

Date: June 16, 2011



DEPARTMENT OF PERSONNEL
209 East Musser Street, Room 101
Carson City, Nevada 89701-4204
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<http://dop.nv.gov>

Regulations Workshop*

AGENDA

DATE: July 15, 2011

TIME: 9:00 a.m.

PLACE: Gaming Control Board
Conference Room
1919 College Parkway
Carson City, Nevada
and
Grant Sawyer Building
Gaming Control Board, Room 2450
555 East Washington Avenue
Las Vegas, Nevada

The sites will be connected by videoconference. The public is invited to attend at either location.

1. Call To Order
2. Review of proposed changes to NAC 284:
Regulation Leadline:
 - A. Unpaid furlough leave
 - B. Affirmative action program and equal employment opportunity
 - C. Holidays: Compensation for working

NAC # :
Uncodified
LCB File #R080-09
NAC 284.114

NAC 284.256
3. Adjournment

* This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

NOTE: Comments by the general public will be taken following a description of the proposed regulation changes. Public comment may be limited to 15 minutes per person at the discretion of the staff member conducting the workshop.

If anyone has questions or wish to discuss in further detail, the items scheduled for this regulations workshop, please contact Mark Evans at (775) 684-0149.

Notices have been posted on the Department of Personnel's Website www.dop.nv.gov and at the following locations:

Department of Personnel - Blasdel Building, 209 East Musser Street, Carson City, Nevada

Library and Archives - 100 North Stewart Street, Carson City, Nevada

Capitol Building - 101 North Carson Street, Carson City, Nevada

Legislative Building – 401 South Carson Street, Carson City, Nevada

Gaming Control Board, 1919 College Parkway, Carson City, Nevada

Grant Sawyer Office Building - 555 East Washington Avenue, Las Vegas, Nevada

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REGULATIONS PROPOSED FOR PERMANENT ADOPTION

Explanation of Proposed Change: Pursuant to S.B. 505 of the 2011 Legislative Session, this amendment modifies the furlough leave regulation to reflect the amount of furlough leave that each employee must take in fiscal years 2012 and 2013. Additionally it sets the minimum number of hours that must be taken during certain periods of the fiscal year to ensure that employees are systematically taking their required furlough leave.

Employees may exceed the minimum quarterly requirement as long they do not exceed the maximum furlough requirement for the fiscal year and they do not furlough more than once in a workweek, e.g., a full-time employee may take, with management approval, 16 hours of furlough leave in the first quarter of the year, 8 hours in the 2nd quarter, 16 hours in the 3rd quarter, and 8 hours in the 4th quarter for a total of 48 hours for the fiscal year.

Staff recommends that this regulation remain in effect through June 30, 2013 when the furlough leave requirement ends.

Section 1. LCB File No. R080-09 is hereby amended to read as follows:

LCB File No. R080-09 Unpaid furlough leave

1. Except as otherwise provided in subsection 2 and Senate Bill No. ~~[433, chapter 391, Statutes of Nevada 2009, at page 2147:]~~ ***505 of the 2011 Legislative Session:***

(a) ~~A full-time [classified] employee shall take [8 hours of furlough leave each month and a part-time classified employee shall take a number of hours of furlough leave per month that is equivalent to the portion of an 8 hour day that his scheduled workweek or biweekly schedule bears to a full time workweek or biweekly schedule.]~~

(1) By September 30th a minimum of 12 hours of furlough leave in the fiscal year;

(2) By December 31th a minimum of 24 hours of furlough leave in the fiscal year;

(3) By March 31st a minimum of 36 hours of furlough leave in the fiscal year; and

(4) By June 30th a total of 48 hours of furlough leave in the fiscal year.

(b) ~~[A full time employee, other than a classified employee, shall take 1 day of furlough leave each month. A full time employee, other than a classified employee, whose standard workday is longer than 8 hours shall take 8 hours of furlough leave on a single workday and may take annual leave for the remainder of the day, work a reduced schedule that day or work a modified schedule approved by his employer. A part time employee, other than a part time classified employee, shall take a number of hours of furlough leave per month that is equivalent to the portion of an 8 hour day that his scheduled workweek or biweekly schedule bears to a full time workweek or biweekly schedule. As used in this paragraph, "1 day" has meaning ascribed to it in subsection 2 of section 3 of Senate Bill No. 433, chapter 391, Statues of Nevada 2009, at page 2159.]~~ ***A part-time employee shall take, at a minimum, the number of hours of furlough leave per quarter during the fiscal year that is equivalent proportionally to the requirement for a full-time employee. The employee shall not take proportionally more furlough leave than would be required of a full-time employee in the fiscal year.***

2. The requirements set forth in subsection 1, do not apply if:

(a) An employee's appointing authority files a plan with the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, with the chief financial officer of the applicable institution for the employee to take furlough leave pursuant to an alternate schedule because of workload demands; and

(b) The plan is approved in advance by the Director and the Director of the Department of Administration or their designated representatives or by the chief financial officer of the institution, as applicable.

3. Each appointing authority shall establish a policy that defines the minimum increment of furlough leave required to be taken at any one time by ~~a classified~~ **an** employee of the appointing authority. The policy may provide different increments for employees in different divisions, locations or work groups based on business necessity. The appointing authority shall disseminate the policy to each employee under its authority who is required to take furlough leave.

4. To the extent practicable, an employee who is required to take furlough leave and his or her supervisor shall jointly determine in advance a schedule pursuant to which the employee will take furlough leave. If, because of business necessity, such a schedule cannot be mutually agreed upon, a supervisor may direct an employee to take furlough leave on a specific day or at a specific time, or both.

5. Movement of an employee from one position to another position must not alter the amount of furlough leave required to be taken by the employee.

6. The amount of furlough leave that an employee is required to take must not be offset by any savings realized as a result of a vacancy delay in filling the position.

7. An employee who is initially appointed to state service after July 1, ~~{2009}~~ **2011**, may only be required to take the number of hours or days of furlough leave that is required to be taken during the remainder of the fiscal year after his appointment. If such an employee is appointed on a day other than the first of a month, the employee ~~{may not}~~ **shall** be required to ~~{commence taking furlough leave until the immediately succeeding month.}~~ **take the proportional amount of furlough required for the remainder of the quarter to begin in the succeeding month after employment.**

8. An employee may not:

(a) Take more than 8 hours of furlough leave in a workweek.

(b) Receive overtime pay, compensatory time, pay for standby status, added regular time for work as a part-time employee or callback pay in the same pay period in which the employee takes furlough leave, unless approved in advance by the Director and the Director of the Department of Administration or their designated representatives or, in the case of employees of the Nevada System of Higher Education, by the chief financial officer of the applicable institution.

(c) Be required to take more furlough leave than the amount of furlough leave required by the provisions of Senate Bill No. ~~{433, chapter 391, Statutes of Nevada 2009, at page 2147.}~~ **505 of the 2011 Legislative Session.**

9. If an employee who leaves state service has taken more than the equivalent of ~~{8}~~ **12** hours of furlough leave per ~~{month}~~ **quarter** at the time of his separation from state service, the employee will not be reimbursed for the additional furlough leave taken.

10. Any furlough leave that an employee takes must be considered time worked for the purpose of calculating the employee's eligibility to take leave under the federal Family and Medical Leave Act. Any furlough leave that is taken during the time in which an employee takes leave that qualifies under the Family and Medical Leave Act will not be counted against the amount of leave for which an employee is entitled to take under the Family and Medical Leave Act.

11. As used in this section, furlough leave means the unpaid leave required to be taken pursuant to the provisions of Senate Bill No. ~~{433, chapter 391, Statutes of Nevada 2009 at page 2147.}~~ **505 of the 2011 Legislative Session.**

(Added to NAC by Personnel Comm'n by R080-09, eff. 10-27-09; R187-09, 6-30-10)

Explanation of Proposed Change: Pursuant to A.B. 211 of the 2011 Legislative Session, this amendment adds “gender identity or expression” to ensure equal access and non-discrimination regarding employment. Staff recommends that this regulation become effective on October 1, 2011, the effective date of A.B. 211.

Sec. 2 284.114 is hereby amended to read as follows:

NAC 284.114 Affirmative action program and equal employment opportunity. (NRS 284.065)

1. The Department of Personnel is responsible for establishing, coordinating and evaluating an affirmative action program for this State.

2. The Department of Personnel will cooperate and consult with agencies to:

(a) Identify barriers in the personnel management system which may adversely affect the ability of applicants and employees to reach their full employment potential without regard to race, sex, sexual orientation, *gender identity or expression*, religion, color, national origin, age, genetic information or disability.

(b) Coordinate programs to remove barriers to equal employment opportunity while ensuring the effectiveness of the merit system and the opportunity for persons to enter the system and progress in it to the extent of their merit.

[Personnel Div., Rule I § C, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 10-26-84; 7-6-92; R098-99, 9-27-99; R055-10, 6-30-10)

Explanation of Proposed Change: Pursuant to A.B. 560 of the 2011 Legislative Session, this amendment changes the rate of pay for an employee who works on a State holiday from time and one-half of the employee’s normal rate of pay to the rate of the employee’s normal rate of pay. Overtime worked on a State holiday will continue to be paid at the rate of time and one-half the employee’s normal rate of pay. The pay for working on a holiday is in addition to any other pay the employee maybe eligible for as provided for by regulation including but not limited to compensation for the State holiday itself.

Sec. 3 NAC 284.256 is hereby amended to read as follows:

NAC 284.256 Holidays: Compensation for working. (NRS 284.065, 284.155, 284.175)

1. As used in this section, “holiday premium pay” means pay or compensatory time at ~~the rate of time and one-half of~~ an employee’s normal rate of pay for hours designated as worked on a holiday, except those hours that are considered overtime pursuant to NRS 284.180.

2. A nonexempt employee who works on a holiday is entitled to receive holiday premium pay, overtime pay or compensatory time for the hours he works on the holiday, in addition to any holiday pay that he is entitled to be paid pursuant to NAC 284.255. A nonexempt employee who elects to receive compensatory time for the hours he works on a holiday must not exceed the limits on the accrual of compensatory time set forth in NAC 284.250.

[Personnel Div., Rule VII § B part subsec. 3, eff. 8-11-73]—(NAC A by Dep’t of Personnel, 7-21-89; 9-13-91; 3-23-94; R058-01, 9-6-2001; R147-01, 1-22-2002)—(Substituted in revision for NAC 284.530)